

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 31

March 4, 1999, 2:24 p.m.  
Page S-2258 Temp. Record

## EDUCATION MANDATE WAIVERS/Disabilities (IDEA) Education Funding

**SUBJECT:** Education Flexibility Partnership Act . . . S. 280. Jeffords perfecting amendment No. 36 to the Bingaman/Reid amendment No. 35 to the committee substitute amendment No. 31.

### ACTION: AMENDMENT AGREED TO, 100-0

**SYNOPSIS:** As reported, S. 280, the Education Flexibility Partnership Act, will expand eligibility for participation in the Education Flexibility (Ed-Flex) Program to all 50 States (currently only 12 States are eligible). Under the program, an eligible State may request that the Department of Education give it the right to grant to local education agencies waivers of certain Federal education regulatory and statutory requirements. A State that gives a waiver to a local education agency also must waive its own similar statutory and regulatory education requirements. Certain Federal regulatory and statutory requirements, including requirements relating to health and safety and civil rights, may not be waived. (Federal education funding provides between 6 percent and 7 percent of total public school funding, a third of which is for nutrition rather than education programs. The Federal Government closely controls how the funds it gives are spent, which hampers local innovation. Also, the 4 percent of funding that it gives is responsible for more than 50 percent of the administrative work in many school districts, due to the extensive paperwork requirements that come with Federal assistance.)

The committee substitute amendment would add public notice provisions, strengthen accountability provisions, and make technical corrections as agreed to by the managers.

The Bingaman/Reid amendment would authorize the National Dropout Prevention Act. The Act would authorize \$150 million for fiscal year (FY) 2000 and such sums as necessary for later years. In FY 2000, \$5 million of the authorized amount would be for national activities, including the creation of a national clearinghouse on dropout prevention programs. The rest would be distributed among the States according to the Title I formula. The States would then award competitive grants to schools or local education districts with the highest dropout rates. The grants would be used to start new dropout prevention programs.

**The Jeffords perfecting amendment** to the Bingaman/Reid amendment would add language stating that the provisions of the

(See other side)

YEAS (100)				NAYS (0)		NOT VOTING (0)	
Republican (55 or 100%)		Democrats (45 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Abraham	Hutchinson	Akaka	Kennedy				
Allard	Hutchison	Baucus	Kerrey				
Ashcroft	Inhofe	Bayh	Kerry				
Bennett	Jeffords	Biden	Kohl				
Bond	Kyl	Bingaman	Landrieu				
Brownback	Lott	Boxer	Lautenberg				
Bunning	Lugar	Breaux	Leahy				
Burns	Mack	Bryan	Levin				
Campbell	McCain	Byrd	Lieberman				
Chafee	McConnell	Cleland	Lincoln				
Cochran	Murkowski	Conrad	Mikulski				
Collins	Nickles	Daschle	Moynihan				
Coverdell	Roberts	Dodd	Murray				
Craig	Roth	Dorgan	Reed				
Crapo	Santorum	Durbin	Reid				
DeWine	Sessions	Edwards	Robb				
Domenici	Shelby	Feingold	Rockefeller				
Enzi	Smith, Bob	Feinstein	Sarbanes				
Fitzgerald	Smith, Gordon	Graham	Schumer				
Frist	Snowe	Harkin	Torricelli				
Gorton	Specter	Hollings	Wellstone				
Gramm	Stevens	Inouye	Wyden				
Grams	Thomas	Johnson					
Grassley	Thompson						
Gregg	Thurmond						
Hagel	Voinovich						
Hatch	Warner						
Helms							

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Bingaman/Reid amendment would have no effect except that the authorization would be retained and any amounts appropriated would be used to bring the Federal Government closer to its commitment to fund 40 percent of the costs of complying with the Individuals with Disabilities Education Act (IDEA). (The annual cost of complying with the IDEA is approximately \$40 billion. The Federal Government currently pays 11 percent, or \$4.3 billion.)

**Those favoring the amendment contended:**

The underlying amendment would create a brand new Federal education program. The Jeffords amendment, as an alternative, would bring the Federal Government closer to meeting its commitment to provide 40 percent of the funding for an existing, extremely expensive education program (disabilities education). Currently, the States are being forced to pay for most of the Federal share of that program. The Federal Government currently pays \$4.3 billion. If it were to fully live up to its commitment (by paying \$16 billion), State and local education agencies would have \$12 billion more to spend each year on education as they saw fit, without mandates from Washington telling them how to spend the money. The Jeffords amendment clearly gives us a better option.

The two pending amendments crystallize three fundamental differences between the Republican and Democratic parties. First, Republicans believe that existing obligations should be met before new promises are made. Democrats are more inclined to make new promises when they become concerned about a perceived need without stopping to think about where the money will come from to pay for those promises. Second, Republicans like proposals that leave decisions, as much as possible, in local hands. They do not believe uniform, one-size-fits-all education programs designed by bureaucrats in the Department of Education are the best programs that can be designed. Instead, they believe that local school districts, and parents, know the particular needs of their students best, and should therefore be involved as much as possible in designing those programs. (The Jeffords amendment would effectively put education funding decisions in local hands by freeing up local resources that would otherwise have to have been spent on Title I costs.) Democrats, on the other hand, tend to distrust the competence of local school districts, and thus favor centralized, "expert" decisionmaking. Third, Republicans trust local school districts and parents. They do not believe that Federal mandates are necessary to make State and local education agencies behave. The idea that Members of Congress, or Department of Education bureaucrats, care more about children than State and local school officials is offensive, and even ridiculous, to Republicans. Democrats, in contrast, are always proposing new ways to look over the shoulders of State and local agencies.

Proponents of the Bingaman amendment clearly believe that kids dropping out of school is the greatest education problem in America. We agree that in a large percentage of schools it is, but it just as surely is not in other schools. The problems are varied and complex. We know, for instance, that half of all kids who stay in school are graduating functionally illiterate, largely due to the problem of social promotion. If we got rid of social promotion, would more children quit school out of frustration when they were held back a grade? Should we give incentives for States to form smaller secondary schools, or "schools within schools," because students in smaller secondary schools perform better? In many cases, it is obvious that the principal of a school can make a huge difference in a school's performance--how can that success be duplicated? All of these subjects are interrelated, and all of these subjects will be dealt with on the reauthorization of the Elementary and Secondary Education Act (ESEA), which the Senate will consider this summer. Hearings are now underway on that bill. The proper place to consider amendments such as the Bingaman amendment is on that bill, because they can then be considered in the context of the overall Federal public education plan for the next 6 years. At that time, we may support some version of the Bingaman amendment, which obviously addresses a large problem.

On this bill we will only consider items that have broad support and can be considered outside the context of other educational priorities. Funding for education flexibility, which has been endorsed by all 50 Governors, the President, and nearly all Members clearly falls into that category. We do not believe we have heard anyone challenge the fact that the Federal Government should live up to its commitment to provide 40 percent of IDEA funding, so it falls into that category as well. As both a matter of policy, and as a matter of timing, the Jeffords amendment is therefore clearly preferable to the Bingaman amendment. We urge our colleagues to vote for its adoption.

**While favoring the amendment, some Senators expressed the following reservations:**

Our colleagues are correct that the normal procedure would be to consider the Bingaman amendment on the ESEA reauthorization bill. However, we have offered it now because this bill will very likely soon become law, and the ESEA, even though we will consider it this summer, is a huge bill that will take time to work through the legislative process, so it will probably not be passed for another 18 months. During that time, another 750,000 children will drop out of high school and will suffer the consequences for the rest of their lives. That is too large a loss to accept for reasons of obeisance to the legislative process. Statistics tell the story. High school graduates earn nearly twice as much as dropouts; dropouts are three times as likely to end up in poverty as are high school graduates; dropouts make up 82 percent of the prison population. For Hispanics, the problem is worse--the national dropout rate is 11 percent, but for Hispanics it is 30 percent. We will support the Jeffords amendment, because we support the goal of increasing IDEA funding, but we do not accept it as an alternative. We intend to continue to try to get the proposal in the Bingaman amendment adopted as well.

**No arguments were expressed in opposition to the amendment.**